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8   # UNITED STATES DISTRICT COURT

9   **Northern District of California**

10   Sun Microsystems, Inc.,   07-05488 EDL

11   Plaintiff(s),   **NOTICE RE: NONCOMPLIANCE WITH COURT ORDER**

12   v.

13   Network Appliance, Inc.,

14   Defendant(s).

15

16   The parties have failed to file an ADR Certification and either a Stipulation and

17   [Proposed] Order Selecting an ADR Process or a Notice of Need for ADR Phone

18   Conference as required by the Initial Case Management Scheduling Order. Counsel

19   shall Meet and Confer forthwith in an attempt to agree on an ADR process for this

20   matter. Thereafter, counsel, on behalf of themselves and each party, promptly shall file

21   an **ADR Certification** and either 1) a **Stipulation and [Proposed] Order Selecting**

22   **ADR Process**, or 2) a **Notice of Need for ADR Phone Conference** (Civil L.R. 16-8(b),

23   ADR L. R. 3-5(b) Civil L.R. 16-8(c), ADR L. R. 3-5(c), (d)). (These forms are available

24   at www.adr.cand.uscourts.gov.)

25

26   Further, in accordance with ADR L.R. 3-5(e) counsel shall concurrently provide a

27   copy of all documents filed pursuant to this notice directly to the ADR Unit either by fax

28   (415-522-4112), hand delivery (ADR Program, USDC, Northern District of California,

United States District Court
Northern District of California

Notice Re: Noncompliance With Court Order
07-05488 EDL   -1-

1   450 Golden Gate Avenue, 16th Floor, San Francisco, California), or by PDF attachment

2   to an e-mail directed to adr@cand.uscourts.gov.
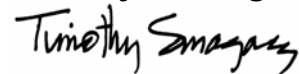
3

4   It is the responsibility of counsel to schedule an ADR Phone Conference, if

5   required, to occur before the Case Management Conference.

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8   Dated: March 13, 2008

9   RICHARD W. WIEKING
                                         Clerk
10   by: Timothy J. Smagacz

11   _Timothy Smagacz_

12   ADR Administrative Assistant
                                         415-522-4205
13   Tim_Smagacz@cand.uscourts.gov

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United States District Court
Northern District of California

Notice Re: Noncompliance With Court Order
07-05488 EDL   -2-

PROOF OF SERVICE

Case Name: Sun Microsystems, Inc. v. Network Appliance, Inc.

Case Number: 07-05488 EDL

I declare that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California. I am over the age of eighteen (18) years and not a party to the action. My business address is:

> ADR Program
> United States District Court
> Norther District of California
> 450 Golden Gate Avenue Floor 16
> San Francisco, CA 94102

On March 13, 2008, I served a true and correct copy of:

Notice Re: Noncompliance With Court Order

[X] electronically, I caused said documents to be transmitted using ECF as specified by General Order No. 45 to the following parties:

> Network Appliance, Inc.
>
> ,
>
> Mark Fowler
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> 2000 University Avenue
> East Palo Alto, CA 94303
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[ ] by Facsimile, I caused said documents to be transmitted to the following parties by fax machine:

[ ] by U. S. Mail, I placed a true copy in a sealed envelope with postage fully prepaid in the United States Post Office Mail Box in San Francisco, California, addressed as follows:

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on March 13, 2008 in San Francisco, California.

RICHARD W. WIEKING
Clerk
by: Timothy J. Smagacz

_____
ADR Administrative Assistant
415-522-4205
Tim_Smagacz@cand.uscourts.gov